Pursuant to 37CFR1.821(f), the Examiner is advised that the paper and computer readable copies of the sequence listing are the same.

In regard to the rejection under 35 U.S.C. 112, Applicant does not agree with the rejection; however, the claims have been amended to clarify the invention. For example, the Specification discloses antibodies which bind to the same epitope (for example P.11). The amendment of the claims is not intended to limit the scope of the claims under the doctrine of equivalence and should not be construed as such an intent.

Thus, the claims are intended to cover under the doctrine of equivalents antibodies which perform the same function in the same way to obtain the same result.

The claims as amended literally define an antibody in which the CDRs of the humanized antibody are CDRs as produced by the deposited cell line.

Reconsideration and withdrawal of the rejection are requested.

In regard to the rejection over the prior art, the issue is whether or not, the prior art renders obvious a humanized antibody as claimed wherein in the human framework certain amino acids of the human framework are not retained in the humanized antibody.

As indicated in the accompanying Declaration, the Queen criteria were not used to produce the humanized antibody of the invention. In fact, the humanized antibody of the invention is directly contrary to the teachings of Queen in that in the humanized antibody of the invention, the amino acids of the human framework that were changed do not meet the Queen criteria.

Since Queen teaches that in producing a humanized antibody, certain amino acid changes in the human framework should be made and in the present invention, amino acid changes different than those disclosed by Queen were made, the prior art does not render obvious the claimed antibody.

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Stated in another way, where Queen suggests changes to the human framework different than those made in the present invention, the humanized antibody by proceeding contrary to the teachings in the prior art is not rendered obvious by the prior art.

Reconsideration and withdrawal of the rejection are requested.

In regard to the rejection based on the copending applications 08/472,281 and 08/477,877 (the "Applications"), the inventorship of the subject matter claimed therein was invented by the inventors named therein and the subject matter claimed in this application was invented by the inventors named in this application.

The invention disclosed and claimed in this application is disclosed, but not claimed in the Applications; therefore, Applicants have provided a declaration which clearly states that the disclosed but unclaimed subject matter of the Applications with respect to a humanized antibody having certain changes in the framework is the invention of the inventors named in the present application.

The LOCD2a antibody in all of its forms was invented first by the inventors of the Applications. The inventors of the Applications, however, did not invent by themselves the version of the humanized antibody claimed in this application in which certain amino acids of the human framework are substituted with other amino acids. As previously noted, the claimed invention is a departure from the prior art with respect to humanized antibodies in which there are framework substitutions in that the substitutions are made at places different than those taught by the prior art. As a result, the claimed invention of this application is patentable over the invention claimed in the Applications.

Since the unclaimed disclosure of the Applications with respect to the humanized antibody claimed in this application has been shown to be the invention of the inventors of the present application, rather than the invention of only the two inventors of the Applications, and the claimed invention of this application is patentable over the prior invention of the two inventors of the Application by defining a humanized antibody with framework substitutions

contrary to the prior art teachings, all rejections and/or provisional rejections with respect to such Applications should be withdrawn.

In this respect, the Examiner's attention is drawn, for example, to MPEP 716.10, which indicates that the filed declaration is the proper method of obviating a rejection based on the disclosure of "another" where the disclosure of "another" is in fact a disclosure of the invention made by the named inventors of an application.

This application is in condition for allowance and an early notice to this effect is requested.

FIRST CLASS CERTIFICATE

I hereby certify that this paper and the attachments hereto are being deposited with the United States Postal Service by First Class Mail in an envelope addressed to:

Assistant Commissioner for Patents
Washington, DC 20231

Elliot M. Olstein 6/19/98

Elliot M. Olstein, Esq. **Date**

Respectfully submitted,

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